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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Applications of	)	
	)	
RAINBOW BROADCASTING COMPANY	)	File Nos. BMPCT-910625KP
	)	and BTCCT-911129KT
For Extension of Construction Permit	)	
and for Consent to the Transfer of	)	
Control of the Permittee of	)	
Station WRBW(TV), Orlando, Florida	)	

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TO: The Commission

EMERGENCY PETITION FOR EXTRAORDINARY RELIEF
TO REQUIRE COMPLIANCE WITH ADMINISTRATIVE PROCEDURE ACT
AND THE COMMISSION'S EX PARTE RULES

1. Press Broadcasting Company, Inc. ("Press") hereby requests that, within 10 days hereof (i.e., on or before December 20, 1993), the Commission comply with the Administrative Procedure Act and its own ex parte rules, 47 C.F.R. §§1.1200 et seq., and provide to Press (1) full disclosure of any and all ex parte communications which have occurred in connection with the above-captioned applications (or any pleadings related thereto) and (2) opportunity to review those communications, comment upon them, and seek such further disclosure as may appear warranted based on such review. Further, Press requests an express acknowledgement from the Commission that the Commission is aware of, and committed to providing to Press, the protections afforded by, inter alia, the Administrative Procedure Act against the possibility of taint by ex parte communications, including, in particular, 5 U.S.C. §557(d)(1)(D) (which provides that a party found to have engaged in prohibited ex parte communications may

be required to "show cause why [its] claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected on account of such violation").

2. The factual predicate underlying the instant Petition is set out in Press' "Emergency Petition for Immediate Rescission, Setting Aside or Vacation of Action Taken Pursuant to Delegated Authority" ("Emergency Petition"), filed with the Commission on August 13, 1993, and pleadings related thereto. [1/] In brief, Press has alleged -- and Rainbow Broadcasting Company ("Rainbow") has admitted -- that Rainbow engaged in ex parte communications with the Chief, Mass Media Bureau ("Bureau"), concerning the above-captioned applications despite the fact that those applications had been declared, by the Commission's Office of Managing Director, a "restricted proceeding" in which such ex parte communications were prohibited. [2/] Subsequent to the ex parte communications, the Bureau Chief ruled in favor of Rainbow (and, in so doing, reversed a decision of the Chief, Video Services Division).

3. The Commission's ex parte rules are clear. When a

[1/] The pleadings include an Opposition, filed by Rainbow Broadcasting Company, to the Emergency Petition, and Press' Reply thereto. In addition, it should be noted that Press has formally advised the Commission's Managing Director, by letter in September, 1993, of the ex parte communications. All of Press' pleadings relating to the above-captioned applications are hereby incorporated by reference.

[2/] Press also understands the Commission's Office of Inspector General has investigated this matter and has prepared a report thereon -- the Commission may wish to refer to that report for additional information.

prohibited ex parte communication comes to the attention of the Commission, reports describing the communication must be prepared and submitted to the Managing Director and must be placed in a public file. Section 1.1212(b) and (d). The ex parte communications cannot be considered in the disposition of the merits of the proceeding at issue. Section 1.1212(d). Parties to the proceeding must be notified that a prohibited ex parte presentation has occurred and may be entitled to summaries of any ex parte presentation and descriptions of the circumstances surrounding the presentation. Section 1.1212(e). So far, despite the fact that the Commission has been on notice of the ex parte communications for four months already, none of these obligations has been met, to the best of Press' knowledge.

4. In October, after two months of Commission silence, Press sought a writ of mandamus from the United States Court of Appeals for the District of Columbia Circuit in connection with this matter. On December 8, 1993, the Court denied Press' Petition. [3/] In so doing the Court placed primary reliance on North Carolina v. Environmental Protection Agency ("North Carolina"), 881 F.2d 1250 (4th Cir. 1989) (Phillips, J., in chambers). The Court emphasized in particular Judge Phillips' observation that mandamus is unnecessary where "interests asserted by the petitioners can safely be left at this point to

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[3/] The Court of Appeals specifically noted that its denial of Press' request for mandamus at this time did not reflect any "judgment as to the validity or the seriousness of [Press'] allegations regarding impropriety in the administrative proceedings".

the administrative process". 881 F.2d at 1257-58.

5. Press does not discount the validity of Judge Phillips' decision in North Carolina or the reliance placed by the Court of Appeals on that decision. However, Judge Phillips' refusal to issue a writ of mandamus in the face of allegations of improper ex parte communications was based on the fact that officials of the agency in question had in fact afforded all parties full disclosure of the prohibited communications and opportunity to comment on them, and had otherwise expressly indicated an awareness of and commitment to providing appropriate protection against improper ex parte communications. Id.

6. In the instant case, despite the passage of four months already (and despite the fact that the Commission's own Office of Inspector General has apparently undertaken an investigation and completed a report on the matter), the Commission has taken NONE of those actions, notwithstanding the clear dictates of the Administrative Procedure Act and the Commission's own rules: the Commission has not acknowledged that any ex parte communications occurred (even though Rainbow itself has admitted at least one meeting with the Bureau prior to the Bureau's action of July 30, 1993); the Commission has not disclosed all available information concerning those communications; the Commission has not indicated a commitment to such broader inquiry into the ex parte communications as may be warranted; the Commission has not demonstrated an awareness of, or intent to honor, its statutory obligation to require a party

guilty of ex parte communications to show cause why its application should not be dismissed or denied because of those communications.

7. Press reads the Court of Appeals decision, and its reliance on Judge Phillips' North Carolina opinion, to indicate that the Court of Appeals understands and expects the normal protections of the law to be functioning properly here. That is, the Court of Appeals appears to say (and Judge Phillips, in the portion specifically cited by the Court, expressly says) that mandamus is not warranted where the affected agency has "plainly indicate[d] [its] awareness of and commitment to providing th[e] protection", id., against the possibility of taint of ex parte communications. Unfortunately, the Commission's failure to take any action in response to Press' Emergency Petition does not reflect any such "plain indicat[ion]" of any such awareness and/or commitment. To the contrary, the Commission's complete inaction suggests an effort to stonewall, to ignore the clear requirements of the ex parte rules (and the Administrative Procedure Act), and to reward a party which violated the rules by allowing to remain in effect an action plainly tainted by ex parte contacts.

8. Accordingly, in light of the assumptions apparently underlying the Court of Appeals decision on Press' mandamus petition, Press hereby seeks assurance from the Commission that those assumptions are in fact valid here. In the event that such assurances (including immediate, full disclosure of all

information concerning the ex parte communications) are not provided within 10 days hereof (i.e., on or before December 20, 1993), Press intends to return to the Court of Appeals with a request for an order compelling disclosure of all information available to the Commission with respect to the ex parte communications. Such an order appears not only consistent with the assumptions underlying the Court of Appeals decision on Press' mandamus petition, but also with previous decisions of the Court relative to the Commission's failure to provide adequate protection against the taint of ex parte communications. [4/]

WHEREFORE, for the reasons stated, Press Broadcasting Company, Inc. hereby requests that, within 10 days hereof (i.e., on or before December 20, 1993), the Commission comply with the Administrative Procedure Act and its own ex parte rules, 47 C.F.R. §§1.1200 et seq., and provide to Press (1) full disclosure of any and all ex parte communications (and all descriptions and/or reports relating thereto) which have occurred in connection with the above-captioned applications (or any pleadings related thereto) and (2) opportunity to review those communications, descriptions, reports and the like, comment upon them, and seek such further disclosure as may appear warranted

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[4/] See Amigos Broadcasting, Inc. v. FCC, 696 F.2d 128 (D.C. Cir. 1982), where the Court admonished the Commission that, absent adequate protection against ex parte taint, "parties must be free to subpoena members of the Commission's or Congressman's staff to obtain affidavits or other evidence attesting to the nature of the oral ex parte presentations." Pursuant to this language, Press intends to seek such subpoenas if the Commission does not voluntarily provide full disclosure as required by the law.

based on such review. Further, Press requests an express acknowledgement from the Commission that the Commission is aware of, and committed to providing to Press, the protections afforded by, inter alia, the Administrative Procedure Act against the possibility of taint by ex parte communications, including, in particular, 5 U.S.C. §557(d)(1)(D).

Respectfully submitted,

/s/ Harry F. Cole
Harry F. Cole

Bechtel & Cole, Chartered
1901 L Street, N.W.
Suite 250
Washington, D.C. 20036
(202) 833-4190

Counsel for Press Broadcasting Company, Inc.

December 10, 1993

CERTIFICATE OF SERVICE

I, Harry F. Cole, hereby certify that on this 10th day of December, 1993, I have caused copies of the foregoing "Emergency Petition for Extraordinary Relief to Require Compliance with Administrative Procedure Act and the Commission's Ex Parte Rules" to be hand delivered (as indicated below) or placed in the United States mail, first class postage prepaid, addressed to the following individuals:

Chairman Reed E. Hundt
Federal Communications Commission
1919 M Street, N.W. - Room 814
Washington, D.C. 20554
(By Hand)

Commissioner James H. Quello
Federal Communications Commission
1919 M Street, N.W. - Room 802
Washington, D.C. 20554
(By Hand)

Commissioner Andrew C. Barrett
Federal Communications Commission
1919 M Street, N.W. - Room 844
Washington, D.C. 20554
(By Hand)

Commissioner Ervin S. Duggan
Federal Communications Commission
1919 M Street, N.W. - Room 832
Washington, D.C. 20554
(By Hand)

William E. Kennard, General Counsel
Federal Communications Commission
1919 M Street, N.W. - Room 614
Washington, D.C. 20554
(By Hand)

Margot Polivy, Esquire
Renouf & Polivy
1532 Sixteenth Street, N.W.
Washington, D.C. 20036
Counsel for Rainbow Broadcasting Company

/s/ Harry F. Cole
Harry F. Cole

Approved by OMB
3060-0027
Expires 11/30/94

FCC 301

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

FCC/MELLON DEC 1 3 1993

FOR FCC USE ONLY

DUPLICATE

APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION

FOR COMMISSION USE ONLY
FILE NO. BMPCT-931213KE

Section I – GENERAL INFORMATION

1. APPLICANT NAME

Rainbow Broadcasting, Ltd.

MAILING ADDRESS (Line 1) (Maximum 35 characters)

151 Crandon Boulevard #110

MAILING ADDRESS (Line 2) (If required) (Maximum 35 characters)

Key Biscayne	STATE OR COUNTRY (if foreign address) FL	ZIP CODE 33149

TELEPHONE NUMBER (Include area code)	CALL LETTERS	OTHER FCC IDENTIFIER (IF APPLICABLE)
305-361-8223	WRBW-TV	

FOR MAILING THIS APPLICATION, SEE INSTRUCTIONS FOR SECTION 1 – GENERAL INFORMATION B.

2. A. Is a fee submitted with this application? [X] Yes [ ] No

B. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1112) and go to Question 3.

[ ] Governmental Entity [ ] Noncommercial educational licensee

C. If Yes, provide the following information:

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Column (B) lists the Fee Multiple applicable for this application. Enter in Column (C) result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).

	(A) FEE TYPE CODE	(B) FEE MULTIPLE (If required)	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
(1)	M P T	0 0 0 1	$ 565.00	

To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

	(A)	(B)	(C)	FOR FCC USE ONLY
(2)		0 0 0 1	$	

ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (2), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.	TOTAL AMOUNT REMITTED WITH THIS APPLICATION $ 565.00	FOR FCC USE ONLY

3. This application is for: (check one box) [ ] AM [ ] FM [X] TV

(b) Channel No. or Frequency	(b) Principal Community	City	State
65		Orlando	FL

(c) Check one of the following boxes:

☐ Application for **NEW** station

☐ **MAJOR** change in licensed facilities; call sign: _____

☐ **MINOR** change in licensed facilities; call sign: _____

☒ **MAJOR** modification of construction permit; call sign: WRBW-TV

File No. of construction permit: BPCT820909KF/BPCT880711KE

☐ **MINOR** modification of construction permit; call sign: _____

File No. of construction permit: _____

☐ **AMENDMENT** to pending application; Application file number: _____

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

4. Is this application mutually exclusive with a renewal application? ☐ Yes ☒ No

If Yes, state:

Call letters	Community of License	
	City	State

Section V-C - TV BROADCAST ENGINEERING DATA	FOR COMMISSION USE ONLY File No. _____ ASB Referral Date _____ Referred by _____

Name of Applicant: Rainbow Broadcasting, Limited

Call letters *(if issued)*: WRBW

Purpose of Application *(check appropriate box)*:

- [ ] Construct a new (main) facility
- [ ] Construct a new auxiliary facility
- [X] Modify existing construction permit for main facility
- [ ] Modify existing construction permit for auxiliary facility
- [ ] Modify licensed main facility
- [ ] Modify licensed auxiliary facility

If purpose is to modify, indicate nature of change(s) by checking appropriate box(es), and specify the file number(s) of the authorization(s) affected:

- [ ] Antenna supporting-structure height
- [ ] Effective radiated power
- [ ] Antenna height above average terrain
- [ ] Frequency
- [ ] Antenna location
- [X] Antenna system
- [ ] Main Studio location
- [ ] Other *(Summarize briefly)*

File Number(s) BPCT-860224KG

1. Allocation:

Channel No. 65

Offset *(check one)*: [ ] Plus [ ] Minus [X] Zero

Principal community to be served:		
City	County	State
Orlando	Orange	FL

Zone *(check one)*: [ ] I [ ] II [X] III

2. Exact location of antenna:

(a) Specify address, town or city, county and state. If no address, specify distance and bearing to the nearest landmark.
Near intersection of State Routes 420 and 419, Bithlo, Orange County, Florida.

(b) Geographical coordinates (to nearest second). If mounted on element of an AM array, specify coordinates of center of array. Otherwise, specify tower location. Specify South Latitude and East Longitude where applicable; otherwise, North Latitude and West Longitude will be presumed. NAD 1927

Latitude	28°	34'	51"	Longitude	81°	04'	32"

3. Is the supporting structure the same as that of another station(s) or proposed in another pending application(s)? [X] Yes [ ] No

If Yes, give call letter(s) or file number(s) or both. WHTQ(FM); WJRR(FM); WTKS(FM); WKCF(TV)

If proposal involves a change in height of an existing structure, specify existing height above ground level, including antenna, all other appurtenances, and lighting, if any. N/A

SECTION V-C – TV BROADCAST ENGINEERING DATA (Page 2)

4. **Does** the application propose to correct previous site coordinates? ☐ Yes ☒ No
If **Yes**, list old coordinates.

Latitude ° ' "	Longitude ° ' "

5. **Has** the FAA been notified of the proposed construction? ☐ Yes ☒ No
If **Yes**, give date and office where notice was filed and attach as an Exhibit a copy of FAA determination, if available. Exhibit No.

Date _____ Office where filed _____

6. **List** all landing areas within 8 km of antenna site. Specify distance and bearing from structure to nearest point of the nearest runway.

	Landing Area	Distance (km)	Bearing (degrees True)
(a)	None		
(b)			

7. (a) **Elevation:** *(to the nearest meter)*

(1) of site above mean sea level; 19.8 meters

(2) of the top of supporting structure above ground (including antenna, all other appurtenances, and lighting, if any); and 490.4 meters

(3) of the top of supporting structure above mean sea level [(a)(1) + (a)(2)] 510.2 meters

(b) **Height** of antenna radiation center: *(to the nearest meter)*

(1) above ground; 479.8 meters

(2) above mean sea level [(a)(1) + (b)(1)]; and 499.6 meters

(3) above average terrain. 465 meters

8. **Attach** as an Exhibit sketch(es) of the supporting structure, labelling all elevations required in Question 7 above, except item 7(b)(3). If mounted on an AM directional-array element, specify heights and orientations of all array towers, as well as location of TV radiator. Exhibit No. *

9. **Maximum** visual effective radiated power 5000 kW

* On file BPCT-860224KG. No change.

10. Antenna:

(a) Manufacturer SWR (b) Model No. SWHPS32EC/65

(c) Is a directional antenna proposed? [X] Yes [ ] No

If Yes, specify major lobe azimuth(s) 270° (center line) degrees True and attach as an Exhibit all data specified in 47 C.F.R. Section 73.685. Exhibit No. Eng.

(d) Is electrical beam tilt proposed? [X] Yes [ ] No

If Yes, specify 1 degrees electrical beam tilt and attach as an Exhibit all data specified in 47 C.F.R. Section 73.685. Exhibit No. Eng.

(e) Is mechanical beam tilt proposed? [ ] Yes [X] No

If Yes, specify _____ degrees mechanical beam tilt toward azimuth _____ degrees True and attach as an Exhibit all data specified in 47 C.F.R. Section 73.685. Exhibit No.

(f) The proposed antenna is: *(check only one box)*

[X] horizontally polarized [ ] circularly polarized [ ] elliptically polarized

11. Will the proposed facility satisfy the requirements of 47 C.F.R. Sections 73.685(a) and (b)? [X] Yes [ ] No

If No, attach as an Exhibit justification therefor, including amounts and percentages of population and area that will not receive City Grade service. Exhibit No.

12. Will the main studio be located within the station's predicted principal community contour as defined by 47 C.F.R. Section 73.685(a)? [X] Yes [ ] No

If No, attach as an Exhibit justification pursuant to 47 C.F.R. Section 73.1125. Exhibit No.

13. Does the proposed facility satisfy the requirement of 47 C.F.R. Section 73.610? [X] Yes [ ] No

If No, attach as an Exhibit justification therefor, including a summary of any previously granted waiver(s). Exhibit No.

14. Are there: (a) within 60 meters of the proposed antenna, any proposed or authorized FM or TV transmitters; or (b) in the general vicinity, any nonbroadcast *(except citizens band or amateur)* radio stations or any established commercial or government receiving stations? [X] Yes [ ] No

If Yes, attach as an Exhibit a description of the expected, undesired effects of operations and remedial steps to be pursued, if necessary, and a statement accepting full responsibility for the elimination of any objectionable interference *(including that caused by intermodulation)* to facilities in existence or authorized prior to grant of this application. *(See 47 C.F.R. Sections 73.685(d) and (g).)* Exhibit No. Eng.

15. Attach as an Exhibit a topographic map that shows clearly, legibly, and accurately, the location of the proposed transmitting antenna. This map must comply with the provisions of 47 C.F.R. Section 73.684(g). The map must further display clearly and legibly the original printed contour lines and data as well as latitude and longitude markings, and must bear a scale of distance in kilometers. Exhibit No. *

* On file, BPCT-860224KG. No change.

16. Attach as an Exhibit a map *(Sectional Aeronautical Chart or equivalent)* which shows clearly, legibly and accurately, and with the original printed latitude and longitude markings and a scale of distance in kilometers:

Exhibit No. Eng.

(a) The proposed transmitter location, and the radials along which profile graphs have been prepared;
(b) The City Grade, Grade A and Grade B predicted contours; and
(c) The legal boundaries of the principal community to be served.

17. Specify area in square kilometers (1 sq. mi. = 2.59 sq. km.) and population *(latest census)* within the predicted Grade B contour.

Land Area 19,625 sq. km. Population 2,157,250 (1990 U.S. Census)

18. For an application involving an auxiliary facility only, attach as an Exhibit a map *(Sectional Aeronautical Chart or equivalent)* that shows clearly, legibly, and accurately, and with latitude and longitude markings and a scale of distance in kilometers:

Exhibit No. N/A

(a) The proposed auxiliary Grade B contour; and
(b) The Grade B contour of the licensed main facility for which the applied-for facility will be the auxiliary.

(Main facility license file number _____)

19. Terrain and Coverage Data *(To be calculated in accordance with 47 C.F.R. Section 73.684.)*

Source of terrain data: *(check only one box below)*

[X] Linearly interpolated 30-second database (Source: NGDC 30" database)

[ ] 7.5 minute topographic map

[ ] Other *(briefly summarize)*

Radial bearing (degrees True)	Height of radiation center above average elevation of radial from 3 to 16 km (meters)	Predicted Distances ** To the City Grade Contour (kilometers)	To the Grade A Contour (kilometers)	To the Grade B Contour (kilometers)
260 *	472	60.4	71.8	92.9
0	465	62.0	73.6	95.1
45	458	48.1	58.6	76.6
90	458	45.4	55.7	73.3
135	466	48.4	58.9	77.0
180	473	62.3	74.0	95.7
225	470	62.3	74.0	95.8
270	471	60.4	72.0	93.1
315	468	62.1	73.9	95.6

*Radial through principal community, if not one of the major radials. This radial should NOT be included in calculation of HAAT.

** See Engineering Exhibit, Figure 6, for ERP's employed.

20. Environmental Statement *(See 47 C.F.R. Section 1.1301 et seq.)*

Would a Commission grant of this application come within 47 C.F.R. Section 1.1307, such that it may have a significant environmental impact? ☐ Yes ☒ No

If you answer Yes, submit as an Exhibit an Environmental Assessment required by 47 C.F.R. Section 1.1311. Exhibit No.

If No, explain briefly why not. Categorically excluded pursuant to 47 CFR Section 1.1306. See Engineering Exhibit for further discussion.

CERTIFICATION

I certify that I have prepared this Section of this application on behalf of the applicant, and that after such preparation, I have examined the foregoing and found it to be accurate and true to the best of my knowledge and belief.

Name *(Typed or Printed)*	Relationship to Applicant *(e.g., Consulting Engineer)*
Bernard R. Segal	Consulting Electronics Engineer
Signature Bernard R. Segal	**Address** *(Include ZIP Code)* P. O. Box 18415 Washington, DC 20036-8415
Date November 30, 1993	Telephone No. *(Include Area Code)* (202) 659-3707

JULES COHEN & ASSOCIATES, P.C.
CONSULTING ELECTRONICS ENGINEERS
WASHINGTON, D.C. 20036

ENGINEERING EXHIBIT
APPLICATION FOR MODIFICATION OF TELEVISION CONSTRUCTION PERMIT
RAINBOW BROADCASTING, LIMITED
STATION WRBW
ORLANDO, FLORIDA

CH 65 5000 KW (MAX-DA) 465 METERS

November 30, 1993

JULES COHEN & ASSOCIATES, P.C.
CONSULTING ELECTRONICS ENGINEERS
WASHINGTON, D.C. 20036

ENGINEERING EXHIBIT
APPLICATION FOR MODIFICATION OF TELEVISION CONSTRUCTION PERMIT
RAINBOW BROADCASTING, LIMITED
STATION WRBW
ORLANDO, FLORIDA
CH 65 5000 KW (MAX-DA) 465 METERS

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JULES COHEN & ASSOCIATES, P.C.
CONSULTING ELECTRONICS ENGINEERS
WASHINGTON, D.C. 20036

ENGINEERING EXHIBIT
APPLICATION FOR MODIFICATION OF
TELEVISION CONSTRUCTION PERMIT
RAINBOW BROADCASTING, LIMITED
STATION WRBW
ORLANDO, FLORIDA
CH 65 5000 KW (MAX-DA) 465 METERS

Engineering Statement

The engineering exhibit of which this statement is part has been prepared in accordance with the rules of the Federal Communications Commission and pursuant to the provisions of Section V-C of FCC Form 301 on behalf of Rainbow Broadcasting, Limited (Rainbow) in support of an application for modification of construction permit for television station WRBW. The authorization for WRBW specifies operation on channel 65 (776-782 MHz) at Orlando, Florida. The maximum peak visual effective radiated power authorized is 5000 kilowatts and the antenna radiation center height above average terrain authorized is 465 meters. The purpose of the instant modification is to substitute a different manufacturer's antenna for the one which has been authorized and to provide replacement information concerning changes in coverage contours associated with the use of the new antenna. Because a new station has commenced operation on the same tower as is to be employed for WRBW, an updated review demonstrating compliance with the FCC's adopted guidelines regarding human exposure to radio-frequency radiation, is furnished.

No change in antenna location or antenna radiation center height is proposed so that all information currently on file relating to site location, elevation data and allocation matters need not be repeated. That information may be found in FCC File Number BPCT-860224KG.

Proposed Equipment

The antenna that will be employed is a SWR, type SWHPS32EC/65. The antenna is of the slot type and horizontally polarized. The antenna will have a downward electrical beam tilt of one degree. Figure 2 is the manufacturer's supplied vertical plane relative field radiation pattern for the antenna. The antenna will be directional in the horizontal plane and Figure 3 is the manufacturer's supplied horizontal plane relative field radiation pattern. Maximum power gain of 58.56 (17.68 dB) will be achieved at the one-degree beam tilt angle along azimuths of 200 and 340 degrees true.

A 490.7-meter length of WR-1400 waveguide manufactured by SWR, will feed energy from the transmitter to the antenna. The waveguide has an efficiency of 80.6 percent at channel 65 for the length to be employed. A type accepted transmitter having a peak visual power output rating of 120 kilowatts will be employed. With the transmitter providing a peak visual power output level of 105.9 kilowatts at the combiner output the proposed maximum effective radiated power of 5000 kilowatts at the one-degree beam tilt angle along the azimuths of 200 degrees and 340 degrees true, will be achieved. Figure 4 is a tabulation of antenna radiation data at ten-degree increments as required by the rules. The tabulation includes also the effective radiated power in terms of kilowatts and dBk occurring at the one-degree beam tilt angle for each ten degree interval. Figure 5 is the azimuthal plane radiation pattern at the one-degree beam tilt angle in terms of effective radiated power in dBk which has been plotted from the data in Figure 4.

The aural effective radiated power will be 10 percent of the peak visual effective radiated power.

Figure 1 includes specifications for major aspects of the proposed operation.

Coverage Contours

Distances to coverage contours based on the radiation pattern for the new antenna that will be employed were determined by the same methodology as discussed in BPCT-860224KG and employing the same terrain elevation information as in the referenced application. Figure 6 is a tabulation of the average elevations employed and the distances to the Grade A, Grade B and Principal Community Grade contours. Figure 7 depicts the contours drawn from the data in Figure 6.

Environmental Concerns

The proposed operation is categorically excluded from environmental processing pursuant to the provisions of Section 1.1306 of the Rules as will be demonstrated herein. The substitution of one antenna for another requires review of only that aspect of Section 1.1306 which relates to human exposure to radio-frequency radiation.

Figure 8 includes an inventory of the stations currently located on the tower that will be employed to support the WRBW antenna and their facilities. Since the initial grant of the authority for WRBW to operate at this site, the antenna for station WKCF, Clermont, has been added to the structure. Hence, the calculations of Figure 8 take into account the added effect of WKCF. As demonstrated in Figure 8, the contributions to the ambient power density level at a target located two meters above ground level at the base of the tower from the TV and FM stations, yields a total power density level that is well below the FCC's adopted ANSI C95.1-1982 guideline. Also, the power density level at the test point is well below the maximum that is permitted pursuant to the IEEE/ANSI C95.1-1992 guideline proposed by the FCC for adoption in place of the C95.1-1982 guideline. Based on the foregoing, compliance with the present and proposed guidelines concerning exposure to the public and to persons in uncontrolled locations, respectively, will be satisfied.

With respect to worker exposure, the tower owner has in place specific procedures which must be adhered to by all space lessees when work must be performed on the tower. Workers are permitted on the tower only by prior arrangement to assure that excitation to the appropriate antennas are terminated when workers must be in the vicinity of an otherwise excited antenna. Radiation hazard warning signs are in place on the tower as a further means for alerting workers to the prospect for overexposure. The procedures are in consonance with the FCC's requirement that workers must not be overexposed in accordance with the criteria in the adopted and proposed to be adopted guideline criteria.

Based on the foregoing, which demonstrates that both the public and workers will be adequately protected from overexposure to radio-frequency radiation energy, the proposal is categorically excluded from environmental processing.

Other Matters

Since the initial grant of the authorization for WRBW to operate at the site specified in the outstanding construction permit, the FCC has licensed television station WKCF, channel 18, to locate on the tower. The WKCF antenna is within 60 meters of the WRBW antenna. Station WKCF operates on channel 18 (494-500 MHz) and WRBW will be operating on channel 65 (776-782 MHz). Each will operate with maximum peak visual effective radiated power of 5000 kilowatts. The large frequency separation between the two stations tends to mitigate against severe interaction. The authorization for WRBW operation at this site predates the authorization for WKCF and the burden of responsibility for rectification of intermodulation problems, should they arise, lies with the licensee of WKCF. This matter has been addressed in the lease arrangement with the tower owner. The antenna substitution proposed herein does not alter the contractual arrangements.

Bernard R. Segal

Bernard R. Segal, P.E.

November 30, 1993

ENGINEERING EXHIBIT
APPLICATION FOR MODIFICATION OF
TELEVISION CONSTRUCTION PERMIT
RAINBOW BROADCASTING, LIMITED
STATION WRBW
ORLANDO, FLORIDA
CH 65 5000 KW (MAX-DA) 465 METERS

Engineering Specifications

Channel	65
Frequency	776-782 MHz
Offset	Zero
Site coordinates	28° 34′ 51″ North Latitude 81° 04′ 32″ West Longitude
	Meters*
Site elevation above mean sea level	19.8
Average elevation above mean sea level of standard eight radials, 3.2-16.1 km	9.4
Overall height of proposed antenna structure (existing)	
Above ground	490.4
Above mean sea level	510.2
Height of TV antenna radiation center	
Above ground	455.1
Above mean sea level	474.9
Above average terrain	465 (rounded)
Transmitter manufacturer and type	ABS, TC60I3M
Rated peak visual power output	SWR, WR-1400
Length	490.7 m
Efficiency (0.0583 dB/100' loss at ch. 65)	80.6%

* Converted from English units.

Antenna manufacturer and type	SWR, SWHPS32EC/65
Electrical beam tilt	-1.0°
Mechanical beam tilt	None

Proposed Operation

	Visual		Aural	
Transmitter output (at output of diplexer)	106 kW[1]	20.25 kW	10.6 kW[1]	10.25 kW
Transmission line loss		0.939 dB		0.939 dB
Antenna power input		19.31 dBk		9.31 dBk
Overall power gain (maximum)[2]		17.68 dB		17.68 dB
Effective radiated power (maximum)[2]	5000 kW	36.99 dBk	500 kW	26.99 dBk

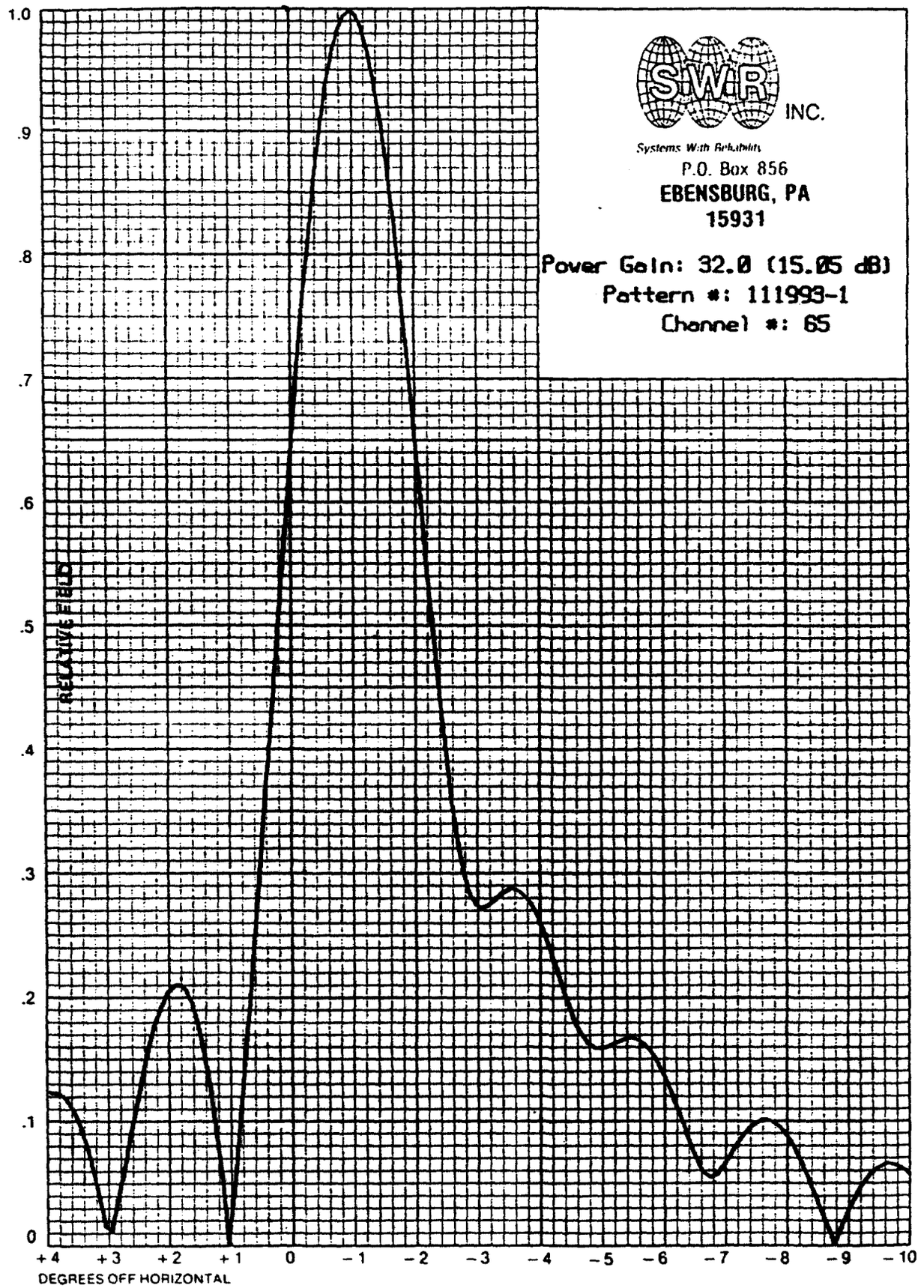
[1] Rounded value.

[2] At 1.0 degree depression angle at azimuths 200 and 340 degrees true.

ENGINEERING EXHIBIT
APPLICATION FOR MODIFICATION OF
TELEVISION CONSTRUCTION PERMIT
RAINBOW BROADCASTING, LIMITED
STATION WRBW
ORLANDO, FLORIDA
CH 65 5000 KW (MAX-DA) 465 METERS

Figure 2

Antenna Vertical Plane Relative Field Radiation Pattern


1.0
.9
.8
.7
.6
.5
.4
.3
.2
.1
0
RELATIVE FIELD
+4 +3 +2 +1 0 −1 −2 −3 −4 −5 −6 −7 −8 −9 −10
DEGREES OFF HORIZONTAL
SWR INC.
Systems With Reliability
P.O. Box 856
EBENSBURG, PA
15931
Power Gain: 32.0 (15.05 dB)
Pattern #: 111993-1
Channel #: 65